

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

SUSAN ROBERTA ABBOTT

Case No.09-37125-cgm
Chapter 7

Debtor(s).

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**AFFIRMATION IN REPLY TO DEBTOR'S OPPOSITION
AND IN FURTHER SUPPORT OF SECURED CREDITOR'S
MOTION TO VACATE THE AUTOMATIC STAY**

Joseph Yau, an attorney duly admitted to the practice of law before the courts of the State of New York, and before the district courts of the Southern District of New York, hereby affirms the following to be true under penalty of perjury:

1. I am an associate with the firm, Druckman Law Group PLLC. As such, I am fully familiar with the facts and proceedings stated herein.
2. I make this affirming in reply to the Debtor's opposition, and in further support of the secured creditor, Aurora Loan Services LLC's ("Aurora") motion to vacate the automatic stay.
3. The Debtor's opposition, filed on September 15, 2009, to Aurora's motion to vacate automatic stay is disingenuous on its face. The Debtor merely makes bare denials without making any substantive support by fact or evidence as to her statements.
4. Aurora had already established the basis for standing in its underlying motion filed September 2, 2009. Said underlying motion was supported by documentary evidence, including the note, mortgage, and proof of standing.
5. As shown in the certificate made by the assistant secretary of Lehman Brothers Holdings Inc., Aurora Loan Services LLC is a wholly-owned indirect subsidiary of Lehman Brothers.

6. Due to the scanning limitations of our office, copies of the note, mortgage, and assignment of mortgage were not electronically filed with the electronic case filing system of the United States Bankruptcy Court at the time of the filing of the underlying motion on September 2, 2009. However, hard copies of the aforesaid documents were attached with the underlying motion to vacate stay with proposed order, and served upon the Debtor, the chapter 7 trustee, and the United States Trustee, along with a chambers copy provided to the Court.

7. In any event, the subject note, mortgage, and assignment of mortgage are now electronically filed contemporaneously with this affirmation in reply. Hard copies of the aforesaid note, mortgage, and proof of standing are additionally attached hereto.

8. Most importantly, it must be noted that the Debtor admits, as shown in schedules A and D of her chapter 7 petition, that there exists a lien against the subject property known as 18 Lester Lane, White Lake, New York 12786, and that Aurora Loan Services, LLC is the holder of said lien.

9. The Debtor's contradictory statements and actions raise questions to her credibility.

10. The Debtor previously filed a chapter 13 bankruptcy petition on March 23, 2009 under case number 09-35662-cgm. Said chapter 13 petition was subsequently dismissed by the Court, on June 4, 2009, by reason of the Debtor failing to file the documents required under title 11 of the Bankruptcy Code and requested by the Trustee, failing to remit timely plan payments to the trustee, and failing to appear and be examined at the initial 341(a) meeting of creditors.

11. As a result, the Debtor's filing of this instant chapter 7 petition was made in bad faith, unless proven by the Debtor to the contrary by clear and convincing evidence. 11 USC § 362(c)(3)(C).

WHEREFORE, Aurora prays for relief for an order vacating the automatic stay,
pursuant to 11 USC § 362(d), with respect to its interest in the property known as 18 Lester
Lane, White Lake, New York 12786.

Dated: Westbury, New York
September 21, 2009

Druckman Law Group PLLC

By: /s/ Joseph Yau
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